

**IN UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**RLI INSURANCE COMPANY**

: Civil Action No. 1:14cv802

**Plaintiff,**

: Judge: Sandra S. Beckwith

**Vs.**

: Magistrate: Stephanie K. Bowman

**FIFTH THIRD BANCORP**

:

**Defendant.**

:

**FIFTH THIRD BANCORP, ET al.,**

: Case No. 1:14-cv-00869

**Plaintiff,**

: Judge: Sandra S. Beckwith

**Vs.**

: Magistrate: Stephanie K. Bowman

**CERTAIN UNDERWRITERS AT  
LLOYD'S SUBSCRIBING TO POLICY  
B0509QA048710, B0509QA051310,  
81906760, ET AL.,**

:

**Defendants.**

:

**AGREED MOTION TO EXTEND DEADLINES TO DISCLOSE EXPERTS**

All parties<sup>1</sup> in the consolidated actions captioned move to extend the deadlines to disclose experts and in support thereof, state as follows:

1. Under the current case management schedule, RLI Insurance Company and Fifth Third Bancorp are required to disclose the identities of their experts on May 6, 2016 and produce initial expert reports on July 11, 2016. (Notation Order, Feb. 19, 2016).

2. Defendants Certain Underwriters at Lloyd's Subscribing to Policy Numbers B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company,

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<sup>1</sup> The parties are: Plaintiff and Counterclaim Defendant RLI Insurance Company, Plaintiff and Defendant Fifth Third Bancorp, and Defendants Certain Underwriters at Lloyd's Subscribing to Policy Numbers B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company, Continental Insurance Company, Fidelity and Deposit Company, and St. Paul Mercury Insurance Company.

Continental Insurance Company, Fidelity and Deposit Company, and St. Paul Mercury Insurance Company are required to disclose the identities of their experts on July 11, 2016 and produce initial expert reports on October 27, 2016. (*Id.*).

3. The parties are currently engaged in extensive discovery. They have, for example, conducted five depositions within the last three weeks and have six additional depositions scheduled during the next three weeks. These depositions have required extensive preparation and travel, and until completion of depositions, the parties are unable to confirm the topics on which expert testimony is needed and identify their experts.

4. The parties do not seek to move the deadlines to disclose expert reports, but instead, ask for leave to merge the deadlines for identifying experts into the deadlines for disclosing expert reports. Doing so will not prejudice any party as each party will learn the names of its opponent's experts in the report and then have time to conduct expert discovery and disclose any necessary rebuttal experts.

5. The parties seek leave to disclose the identities of their experts on the dates they are required to produce expert reports. Under the proposed schedule:

- RLI and Fifth Third Bancorp will disclose their experts and produce initial reports on July 11, 2016.
- Defendants Certain Underwriters at Lloyd's Subscribing to Policy Numbers B0509QA048710 and B0509QA051310, Axis Insurance Company, Federal Insurance Company, Continental Insurance Company, Fidelity and Deposit Company, and St. Paul Mercury Insurance Company will disclose their experts' identities and produce initial reports on October 27, 2016.

6. All parties are in agreement and jointly support this motion.

7. No other deadlines pertaining to discovery will be affected by this motion.

WHEREFORE, all parties respectfully request the Court to move the expert disclosure deadline set for May 6, 2016 to July 11, 2016 and the deadline set for August 29, 2016 to October 27, 2016 (as set forth in Paragraph 5 herein), and for any other relief the Court deems necessary and appropriate.

Dated: April 22, 2016

RESPECTFULLY SUBMITTED,

/s/ Scott Schmookler  
**Scott L. Schmookler (Pro Hac Vice)**  
**Regina A. Ripley (Pro Hac Vice)**  
**Ji-Yeon Suh (Pro Hac Vice)**  
GORDON & REES LLP  
One North Franklin, Suite 800  
Chicago, IL 60606  
Phone: (312) 565-1400  
Emails: [sschmookler@gordonrees.com](mailto:sschmookler@gordonrees.com)  
[rripley@gordonrees.com](mailto:rripley@gordonrees.com)  
[jsuh@gordonrees.com](mailto:jsuh@gordonrees.com)

/s/ Robert W. J Hojnoski  
**Robert W. Hojnoski (0070062)**  
REMINER CO., L.P.A.  
525 Vine St., Suite 1700  
Cincinnati, OH 45202  
Phone: (513) 721-1311  
Email: [rhojnoski@reminger.com](mailto:rhojnoski@reminger.com)

*Attorneys for RLI Insurance Company*

/s/ Mark J. Byrne  
**Mark J. Byrne (0029243)**  
**Kenneth F. Seibel (0025168)**  
JACOBS, KLEINMAN, SEIBEL &  
MCNALLY  
30 Garfield Place, Suite 905  
Cincinnati, OH 45202  
Phone: (513) 381-6600

Emails: [mbyrne@jksmlaw.com](mailto:mbyrne@jksmlaw.com)  
[kseibel@jksmlaw.com](mailto:kseibel@jksmlaw.com)

/s/ Charles E. Turnbull

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**Charles E. Turnbull (Pro Hac Vice)**  
**Lawrence M. Scott (Pro Hac Vice)**  
**Marc D. Kaszubski (Pro Hac Vice)**  
O'REILLY RANCILIO, P.C.  
12900 Hall Road, Suite 350  
Sterling Heights, MI 48313  
Phone: (586) 726-1000  
Emails: [cturnbull@orlaw.com](mailto:cturnbull@orlaw.com)  
[lscott@orlaw.com](mailto:lscott@orlaw.com)  
[mkaszubski@orlaw.com](mailto:mkaszubski@orlaw.com)

*Attorneys for Fifth Third Bancorp*

/s/ Luke J. Busam

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**Luke J. Busam (0082339)**  
FROST BROWN TODD, LLC  
3300 Great American Tower  
301 E. Fourth Street  
Cincinnati, OH 45202  
Phone: (513) 721-1311  
Email: [lbusam@fbtlaw.com](mailto:lbusam@fbtlaw.com)

/s/ Julia Blackwell Gelinas

---

*Julia Blackwell Gelinas (Pro Hac Vice)*  
*Bryan S. Strawbridge (Pro Hac Vice)*  
FROST BROWN TODD, LLC  
201 N. Illinois Street, Suite 1900  
Indiana, IN 46204  
Phone: (317) 237-3800  
Emails: [jgelinas@fbtlaw.com](mailto:jgelinas@fbtlaw.com)  
[bstrawbridge@fbtlaw.com](mailto:bstrawbridge@fbtlaw.com)

*Attorneys for Continental Insurance Company,  
Fidelity and Deposit Insurance Company,  
St. Paul Mercury Insurance Company*

/s/ David P. Kamp

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**David P. Kamp (0020665)**  
**Brian D. Goldwasser (0061926)**  
**Jean Geoppinger McCoy (0046881)**  
WHITE, GETGEY & MEYER CO., LPA  
Fourth and Vine Tower

One W. Fourth Street, Suite 1700  
Cincinnati, OH 45202  
Phone: (513) 241-3685  
Emails: [dkamp@wgmlpa.com](mailto:dkamp@wgmlpa.com)  
[bgoldwasser@wgmlpa.com](mailto:bgoldwasser@wgmlpa.com)  
[jmccoy@wgmlpa.com](mailto:jmccoy@wgmlpa.com)

/s/ Christopher J. Losquadro

**Christopher J. Losquadro (Pro Hac Vice)**

**John W. Blancett (Pro Hac Vice)**

**Christopher C. Novak (Pro Hac Vice)**

SEDGWICK LLP

225 Liberty Street, 28<sup>th</sup> Floor

New York, NY 10281-1008

Phone: (212) 422-0202

Emails:

[Christopher.Losquadro@sedgwicklaw.com](mailto:Christopher.Losquadro@sedgwicklaw.com)

[John.Blancett@sedgwicklaw.com](mailto:John.Blancett@sedgwicklaw.com)

[Christopher.Novak@sedgwicklaw.com](mailto:Christopher.Novak@sedgwicklaw.com)

*Attorneys for Certain Underwriters at Lloyd's  
Subscribing to Policy Numbers  
B0509QA048710 and B0509QA051310, Axis  
Insurance Company, and Federal Insurance  
Company*

## CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2016, a copy of the foregoing motion was filed electronically. Notice of this filing will be served on all parties of record by operation of the Court's electronic filing system:

Mark J. Byrne  
Kenneth F. Seibel  
JACOBS, KLEINMAN, SEIBEL & MCNALLY  
30 Garfield Place  
Cincinnati, OH 45202  
Email: [mbyrne@jksmlaw.com](mailto:mbyrne@jksmlaw.com)  
[kseibel@jksmlaw.com](mailto:kseibel@jksmlaw.com)

Charles E. Turnbull  
Lawrence M. Scott  
Marc D. Kaszubski  
O'REILLY RANCILIO P.C.  
12900 Hall Road, Suite 350  
Sterling Heights, MI 48313  
Email: [cturnbull@orlaw.com](mailto:cturnbull@orlaw.com)  
[lscott@orlaw.com](mailto:lscott@orlaw.com)  
[mkaszubski@orlaw.com](mailto:mkaszubski@orlaw.com)

*Attorneys for Fifth Third Bancorp*

Luke Busam  
Bryan S. Strawbridge, Esquire  
Julia Blackwell Gelinas, Esquire  
Frost Brown Todd LLC  
3300 Great American Tower  
301 E. Fourth Street  
Cincinnati, OH 45202  
Emails: [jgelinas@fbtlaw.com](mailto:jgelinas@fbtlaw.com)  
[bstrawbridge@fbtlaw.com](mailto:bstrawbridge@fbtlaw.com)  
[lbusam@fbtlaw.com](mailto:lbusam@fbtlaw.com)

*Attorneys for Defendant Continental Insurance Company,  
Fidelity and Deposit Insurance Company, St. Paul  
Mercury: Insurance Company*

David P. Kamp, Esquire  
Brian D. Goldwasser, Esquire  
Jean Geoppinger McCoy, Esquire

White, Getgey & Meyer Co. LPA  
Fourth and Vine Tower  
One West Fourth Street, Suite 1700  
Cincinnati, OH 45202  
Emails: [dkamp@wgmlpa.com](mailto:dkamp@wgmlpa.com)  
[bgoldwasser@wgmlpa.com](mailto:bgoldwasser@wgmlpa.com)  
[jmccoy@wgmlpa.com](mailto:jmccoy@wgmlpa.com)

John W. Blancett, Esquire  
Christopher J. Losquadro, Esquire  
Christopher C. Novak, Esquire  
Sedgwick LLP  
Brookfield Place  
225 Liberty Street, 28th Floor  
New York, NY 10281-1008  
Emails: [john.blancett@sedgwicklaw.com](mailto:john.blancett@sedgwicklaw.com)  
[christopher.losquadro@sedgwicklaw.com](mailto:christopher.losquadro@sedgwicklaw.com)  
[christopher.novak@sedgwicklaw.com](mailto:christopher.novak@sedgwicklaw.com)

*Attorneys for Defendant Certain Underwriters at Lloyd's  
Subscribing to Policy Numbers B0509QA048710 and  
B0509QA051310, Axis Insurance Company and Federal  
Insurance Company*

/s/ Ji Suh  
**Ji Suh**

*One of the Attorneys for RLI Insurance  
Company*